

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

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SCOTT ZIEGLER,

No. 10-cv-8712

Plaintiff,

ECF Case

-against-

TWENTY TWO DEGREE ENERGY CORP.,
ECHO POWER INTERNATIONAL, INC.,
JOSEPH FUDA, DAN AMADORI and
COLLINS BARROW TORONTO LLP,

NOTICE OF REMOVAL

Defendants.

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TO THE CLERK OF THE COURT:

Defendants Twenty Two Degree Energy Corp., Echo Power International Inc. and Joseph Fuda (collectively, the “Removing Defendants”), by their undersigned counsel, hereby remove this action, currently pending in the Supreme Court for the State of New York, County of New York, bearing Index No. 112193/2010 (the “State Action”) to this Court pursuant to 28 U.S.C. §§ 1441 and 1446. The grounds for removal are as follows:

1. Upon information and belief, plaintiff Scott Ziegler filed the State Action on or about September 15, 2010. Upon further information and belief, on October 8, 2010, plaintiff filed an amended complaint in the State Action.
2. The Removing Defendants first received copies of the pleadings in the State Action on October 21, 2010. (A true and correct copy of the pleadings in the State Action are attached as Exhibit A.)¹

¹ Removing Defendants were served only with the amended summons and amended complaint, but not the original summons and complaint. Nonetheless, a copy of all pleadings are attached as part of Exhibit A.

3. This is a civil action in which this Court has original jurisdiction under 28 U.S.C. § 1332, insofar as the action is between a citizen of a state and the citizens or subjects of a foreign state, and the amount alleged to be in controversy exceeds \$75,000, exclusive of interest and costs.

4. Removing Defendants set forth the following information pursuant to Southern District of New York Local Rule 81.1:

a. Upon information and belief, plaintiff is a resident of the State of New York whose home address is unknown, but who has a business address at 570 Lexington Avenue, 44th Floor, New York, NY 10022.

b. Defendant Twenty Two Degree Energy Corp. is a corporation organized under the Ontario Business Corporations Act, with a principal place of business at 777 Bay Street, Suite 1910 Toronto, ON, M5G 2C8, Canada. Defendant Twenty Two Degree Energy Corp. was served on October 21, 2010.

c. Defendant Echo Power International Inc. is a corporation organized under the Ontario Business Corporations Act, with a principal place of business at 777 Bay Street, Suite 1910, Toronto, ON M5G 2C8, Canada. Defendant Echo Power International Inc. was served on October 21, 2010.

d. Defendant Joseph Fuda is a resident of Canada, whose address is 68 Yorkville Avenue, Suite 404, Toronto, ON M5R 3V7. Defendant Joseph Fuda was served on October 21, 2010.

e. Upon information and belief, defendant Dan Amadori is a resident of Ontario, Canada. Upon information and belief, defendant Dan Amadori has not been served.

f. Upon information and belief, defendant Collins Barrow Toronto LLP is a limited liability partnership formed under the laws of Canada, with a principal place of business at 20 Eglinton Avenue West, Suite 2100, Toronto, ON M4R 1K8, Canada. Upon information and belief, defendant Collins Barrow Toronto LLP was served on October 29, 2010, and is submitting a written consent to removal upon the filing of this notice.

5. This action has been timely removed to this Court pursuant to 28 U.S.C. § 1441(b).

6. None of the Removing Defendants have responded to the pleadings filed by plaintiff in the State Action, and, upon information and belief, no other defendant has responded to the pleadings as of this date.

WHEREFORE, the Removing Defendants respectfully request that the State Action be removed to this Court pursuant to 28 U.S.C. §§ 1441 and 1446.

Dated: New York, New York
November 18, 2010

GREENBERG FREEMAN LLP

By: /s/ Michael A. Freeman
Michael A. Freeman (MAF-9600)
110 East 59th Street, 29th Floor
New York, NY 10022
(212) 838-3121
*Attorneys for Defendants Twenty Two
Degree Energy Corp., Echo Power
International Inc. and Joseph Fuda*

To: Christopher Brennan, Esq.
Ziegler, Ziegler & Associates LLP
570 Lexington Avenue, 44th Floor
New York, NY 10022
(212) 319-7600
Attorneys for Plaintiff

Joseph N. Froehlich
Locke Lord Bissell & Liddell LLP
Three World Financial Center
New York, New York 10281
(212) 812-8345
Attorneys for Defendant Collins Barrow Toronto LLP

Clerk of the Court
New York County Supreme Court
60 Centre Street
New York, NY 10007